IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT:

THE HON'BLE MR. JUSTICE V.ESWARAIAH

W.P.M.P.No.15717 OF 2004

AND

WRIT PETITION NO : 5218 of 1999

Between:

1 G. Krishnaiah, S/o. Malisaiah, aged 27 years.
2 K. Mahesh, S/o. Muthaiah, aged 23 years.
3 B. Venkatesh, S/o. Pullaiah aged 24 years.
4 U. Benarge, S/o. Papa Rao, aged 23 years.
5 K. Muthu, S/o. Maisaiah,aged 22 years.
6 K. Krishna, S/o. Ramulu, aged 23 years.
7 K. Prakash, S/o. Davaiah, aged 23 years.
8 G. Sreenivasu, S/o. Maisaiah, aged 23 years.

(All the petitioners are residents of Urmila Engineering Workshop, Borulurigudem, Palvoncha, Khammam District.)

..... PETITIONERS

in W.P. and WPMP

AND

1 The Managing Director, A.P. Power Generation Corporation Ltd. Vidyuth Soudha, Somajiguda, Hyderabad-500 004.
2 The Chief Engineer (O&M), Kothagudem Tharmal Power Station, A.P. Genco Ltd., Palvancha, Khammam District.

3 The Superintendent Engineer (CHP) Kothagudem Tharmal Power Station, A.P., Genco Ltd., Palvancha, Khammam District.
4 The Harijan Labour Contract Co-operative Society Limited, Registration No. 433, T.E.E.,Dated 19.7.1986 , Bollurugudem,
Palvancha 507115, Khammam, Represented by its President Sri. G. Maisaiah.
5 The Labour Officer, Kothagudem, Laxmi Devipalli, Opp: Milk Factory, Post. Kothagudem District, Khammam.

.....RESPONDENTS

in W.P. and W.P.M.P.

Prayer in W.P.No.5218 of 1999 :

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue order, proceedings or a writ, more particularly a writ of Mandamus compelling the respondents to implement the order of this Hon'ble Court in W.P. No. 27218 of 98 dated 25.9.1998 and honour their assurance made before this Hon'ble Court in C.C. No. 154 of 99 in the light of the Supreme Court decision in the AIR India statutory corporation Vs. United Labour Union AIR 1997 Supreme Court page 645 read with B.P. Ms. 37, Dated 18.5.1997 and B.P.Ms. 260, dated 19.12.1997 in consonance with guaranteed fundamental rights under Articles 14, 16 and 21 of the Constitution of India in the matters of public employment more so when the respondent is a 'state' under Article 12 of the Constitution of India, by absorbing the services of the petitioners in regular employment of the respondent's Corporation.

Prayer in W.P.M.P.No.15717 of 2004:

Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to permit the petitioners herein to withdraw their writ petition with liberty to approach the appropriate Labour Court for the relief sought in this writ petition.

Counsel for the Petitioners: MR.DHONDAY RAM MANE

Counsel for the Respondents 1 to 3: SMT.K.SESHARAJYAM

Counsel for Respondents 4 and 5: None appeared.

The Court made the following Order :

Learned counsel for the petitioners filed the above W.P.M.P. and also the letter dated 19-8-2004 before the Registry seeking permission of this Court to withdraw the writ petition. Permission is accorded. W.P.M.P is accordingly ordered and the writ petition is dismissed as withdrawn. No costs.

23-8-2004

lvl

1 The Managing Director, A.P. Power Generation Corporation Ltd. Vidyuth Soudha, Somajiguda, Hyderabad-500004.

2. The Chief Engineer (O&M) Kothagudem Tharmal Power Station, A.P. Genco Ltd., Palvancha, Khammam District.

3 The Superintendent Engineer (CHP) Kothagudem Tharmal Power Station, A.P., Genco Ltd., Palvancha, Khammam District.

4 The Labour Officer, Kothagudem, Laxmi Devipalli, Opp: Milk Factory, Post. Kothagudem District; Khammam.

5. The President, Harijan Labour Contract Cooperative Society Ltd., Reg.No.433, Bollurugudem, Palvancha, Khammam District.

6. Two CD copies.